

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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In re the Petition of

PVS International,  
United Agencies,  
Maghanmal Jethanand  
(General Trading Company)

Civil Action No.

**ECF CASE**

For Discovery In Aid of a Foreign Proceeding  
Pursuant to 28 U.S.C. § 1782

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**PETITION FOR AN ORDER ALLOWING  
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Petitioners PVS International, United Agencies, Maghanmal Jethanand (General Trading Company) (collectively “Petitioners”), by and through their undersigned counsel, hereby submit this Petition for an Order, pursuant to 28 U.S.C. § 1782 and Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, to obtain discovery on The American Club / Shipowners Claims Bureau, Inc. (“American Club”), for use in a pending foreign proceeding. In support of this Petition, Petitioners incorporate the accompanying Memorandum of Law and Declaration of J. Stephen Simms (the “Simms Declaration”).

2. Section 1782 provides for discovery in the United States to assist foreign tribunals and parties to proceedings before foreign tribunals. Section 1782 states, in relevant part:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made ... upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.

3. The requirements of § 1782 are satisfied here. As explained further in the Memorandum of Law: (1) the discovery subject “resides” or is “found” in this District; (2) the discovery sought is “for use in” a proceeding before a foreign tribunal; and (3) the Applicant is an “interested person” in that proceeding. 28 U.S.C. § 1782. The discretionary factors that a Court may consider when evaluating a § 1782 request also weigh in favor of granting this application. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004).

4. As further discussed in the Simms Declaration, the requested relief is for the purpose of obtaining discovery in aid of a related foreign proceeding pending in the High Court of the Republic of Singapore (ADM. No. 67 of 2014), *PVS International, et al. v. Lixon Maritime Pte Ltd, et al.* (the “Singapore Action”). (Exhibit A.)

5. The Singapore Action concerns a vessel, FU SHENG HAI (the “Vessel”), which was transporting wood and steel products cargo, which sailed from Lianyungang on June 29, 2013 for Busan, Korea. On or about July 2, 2013, while approaching the port of Busan the Vessel ran aground off Shaeng Island, subsequently sank, and the cargo was damaged. The cargo owners of commenced the Singapore Action to recover their expenses against the owners of the Vessel, Lixon Maritime Pte Ltd (“Lixon”) (formerly known as Lixon Maritime Services Pte Ltd). Petitioners, on behalf of the underwriters of the cargo policies for insured plaintiffs in the Singapore Action, now seeks substantive information regarding the loss of the ship and the cargo, which it expects to find in the possession of the Vessel’s P&I insurer, American Club.

6. As set forth in the Simms Declaration and the Memorandum of Law, the hull insurance policy was paid out to the owners or directors of Lixon Maritime Services Pte Ltd, who subsequently dissolved that entity and now operate as Lixon. American Club is the P & I insurer of the Vessel, but the extent of American Club’s involvement, if any, with the Vessel is

unknown at this time. The discovery requested in this Petition seeks information as to the causes of the loss of the Vessel and the Lixon Directors' involvement with that, as well as to determine the extent of American Club's involvement. This discovery is also requested in contemplation of a foreign proceeding to be brought by Petitioners against the Lixon principals/directors on fraudulent conveyance concerning the insurance payments from the loss of the Vessel.

6. Accordingly, for the foregoing reasons, and for the reasons set forth in the accompanying Simms Declaration, and the Memorandum of Law in support of this application, Petitioners respectfully request that this Court enter an order, pursuant to 28 U.S.C. § 1782, in a form similar to the proposed order attached as Exhibit 1 to the Simms Declaration, granting leave to conduct the requested discovery in a form similar to the proposed subpoena attached as Exhibit 2 to the Simms Declaration.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law and Declaration of J. Stephen Simms, Petitioners PVS International, United Agencies, Maghanmal Jethanand (General Trading Company) respectfully request that this Court grant this Petition for an Order to Obtain Discovery for Use in a Foreign Proceeding.

Dated: April 15, 2016.

Respectfully submitted,

/s/ J. Stephen Simms

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